



January 25, 2022

To the Honorable Council
City of Norfolk, Virginia

Item Number: R-2

Re: An Ordinance Amending Sections 45.1-1 and 45.1-2 of the Norfolk City Code, 1979, to Define "Source of Funds" and Include it as an Unlawful Discriminatory Housing Practice Under the City's Fair Housing Ordinance, in a Manner Consistent with State Law.

Dear Ladies and Gentlemen:

Attached is an ordinance that updates the City's Fair Housing ordinance as codified in Norfolk City Code (at Chapter 45.1). This update will incorporate an additional protection that the General Assembly added to the Virginia Fair Housing Act in 2020. It prohibits any form of discrimination that is based on the "source of funds" that renters or homebuyers use to pay for their housing. While such discrimination is already illegal under state law, because of the change made in 2020, this amendment will enable such violations to also be eligible for prosecution under the City Code.

The plaintiffs in the recently concluded litigation involving the St. Paul's Transformation work being done under the CNI grant received from HUD requested that the City accomplish this update to the City's Fair Housing ordinance and the City agreed. Thus, part of what this amendment accomplishes is satisfaction of one of the many promises that were made to the plaintiffs upon resolution of that lawsuit.

Respectfully submitted,


A handwritten signature in black ink, appearing to read "B. Pishko", is written over a light blue horizontal line.

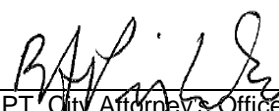
Bernard A. Pishko
City Attorney

Recommendation: Adopt Ordinance

Form and Correctness Approved: *BAP*

Contents Approved:

By: 
Office of the City Attorney

By: 
DEPT. City Attorney's Office

NORFOLK, VIRGINIA

Ordinance No.

AN ORDINANCE AMENDING SECTIONS 45.1-1 AND 45.1-2 OF THE NORFOLK CITY CODE, 1979, TO DEFINE "SOURCE OF FUNDS" AND INCLUDE IT AS AN UNLAWFUL DISCRIMINATORY HOUSING PRACTICE UNDER THE CITY'S FAIR HOUSING ORDINANCE, IN A MANNER CONSISTENT WITH STATE LAW.

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WHEREAS, on July 1, 2020, the Commonwealth of Virginia prohibited discrimination in the advertisement, rental, sale, and other provision of housing against persons based on the source of their funds used by or on behalf of them to pay for housing, as recorded in 2020 Acts of Assembly chapter 477;

WHEREAS, housing discrimination based on source of funds has been illegal in Norfolk since July 1, 2020 and remains illegal, pursuant to Virginia Code § 36-96.3;

WHEREAS, the transformation of the St. Paul's area is presently underway, in accordance with the policies and goals set forth in the several resolutions of this City Council related thereto, specifically Resolution No. 1,697, authorizing the initiation of a process for the revitalization of the St. Paul's area (adopted January 23, 2018), Resolution No. 1,700, appointing 16 persons to the Mayor's Advisory Committee for the

St. Paul's area (adopted February 27, 2018), and Resolution No. 1,810, reaffirming a guaranteed right of return (adopted November 24, 2020); and

WHEREAS, in conjunction with said transformative work, the City has committed to revising it's Fair Housing ordinance, codified in the Norfolk City Code, so as to prohibit housing discrimination based on source of funds in a manner that complies with the provisions of state law; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 45.1-1 of the Norfolk City Code, 1979, is hereby amended and reordained so as to defined "source of funds" for purposes of the City's Fair Housing ordinance. The amended section shall read as follows:

Sec. 45.1-1. - Definitions.

For purposes of this chapter, unless the context clearly means otherwise:

...

- (9) *Source of funds* means any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

Section 2:- That Section 45.1-2 of the Norfolk City Code, 1979, is hereby amended and reordained so as to prohibit housing discrimination based on source of funds in a manner that complies with the provisions of state law. The amended section shall read as follows:

Sec. 45.1-2. - Unlawful discriminatory housing practices—Unlawful practices by persons selling, leasing, etc., dwellings.

It shall be an unlawful discriminatory housing practice, because of race, color, religion, national origin, sex, elderliness, parenthood, handicap, or source of funds for any person having the right to sell, rent, lease, control, construct, or manage any dwelling constructed or to be constructed, or any agent or employee of such person:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable, or deny, a dwelling.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith.
- (3) To make, print or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any such preference, limitation or discrimination.
- (4) To represent to any person, for reasons of discrimination, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- (5) To deny any person access or membership or participation in any multiple listing service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation.
- (6) To include in any transfer, sale, rental or lease of housing any restrictive covenant that discriminates; or for any person to

honor or exercise, or attempt to honor or exercise any discriminatory covenant pertaining to housing.

Notwithstanding the foregoing provisions, it shall not be an unlawful discriminatory housing practice to operate an all-adult or all-elderly housing community.

Section 3:- That this ordinance shall be in effect from the date of its adoption.